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12 **TERESA AGUIRRE**

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**

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17 TERESA AGUIRRE,
18 Plaintiff,
19 v.
20 STATE OF CALIFORNIA; DEBRA
MILLS; CARIANNE HUSS; and DOES
21 1 through 5,
22 Defendants.

Case No. 4:16-cv-05564 HSG

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR ADMINISTRATIVE
RELIEF TO COMBINE POST TRIAL
BRIEFING UNDER RULES 50 AND 59
INTO A SINGLE OVERLENGTH BRIEF;
DECLARATION IN SUPPORT
THEREOF; STIPULATION AND
PROPOSED ORDER-ORDER**

Date Judgment Entered: 2-12-19

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 YOU ARE HEREBY NOTIFIED that pursuant to Civil L.R. 7-11 and 7-12,
3 Plaintiff Teresa Aguirre ("Plaintiff") will and hereby does request that this Court
4 grant her permission to combine her post trial briefing under Fed. R. Civ. P. Rules
5 50 and 59 into a single overlength brief. In accord with Civil L.R. 7-12, the parties
6 have stipulated to the combining of post-trial briefing in a single overlength brief,
7 and a copy of said Stipulation is attached hereto.

8 This Motion is made on the grounds that in connection with Plaintiff's post-
9 trial Motion for Judgment as a Matter of Law, Motion for New Trial, and Motion to
10 Alter or Amend the Judgment, there are a common set of facts set out by the
11 evidence presented at trial that Plaintiff must present for the Court's scrutiny of the
12 entire evidentiary record. Accordingly, presentation of those facts in a single
13 document avoids the needless repetition that would otherwise be required if the
14 parties were to brief the three motions separately – each of which allows for a 25
15 page limitation under L.R. 7-2. Hence, the parties stipulated that they each be
16 permitted to file their respective briefs in a single document that is overlength.
17 Plaintiff hereby seeks the Court's approval thereof, and leave to submit an
18 overlength and combined briefing.
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21 Dated: March 11, 2019

Respectfully submitted,

22 PECK-LAW, *Employment & Civil Rights*

23 /s/ Elizabeth M. Peck

24 By: _____
25 Elizabeth M. Peck
26 Co-Counsel for Plaintiff Teresa Aguirre
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1 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
2 **PLAINTIFF'S MOTION FOR ADMINISTRATIVE RELIEF TO COMBINE POST-**
3 **TRIAL BRIEFING INTO A SINGLE OVER-LENGTH BRIEF**

4 **I. INTRODUCTION**

5 Pursuant to Civil L.R. 7-4(b), 7-11(a), and 7-12, Plaintiff hereby submits this
6 Motion for Administrative Relief to file an over-length brief, together with the
7 parties' Stipulation. Plaintiff makes this request because Plaintiff's three post-trial
8 motions involve a common set of facts, and presentation of those facts in a single
9 document avoids the needless repetition that would otherwise be required if the
10 parties were to brief the three motions separately – each of which allows for a 25
11 page limitation under Civil L.R. 7-2.

12 **II. FACTUAL BACKGROUND**

13 Pursuant to Local Rule 7-11(a) Plaintiff requested that Defendants stipulate
14 to permitting Plaintiff to file her motions in a single document not to exceed 40
15 pages and Defendants would likewise be permitted (but not obliged) to file their
16 oppositions in a single document not to exceed 40 pages. Defendants have so
17 stipulated and said Stipulation is attached hereto as Exhibit A.

18 **III. ARGUMENT**

19 Civil L.R. 7-4(b) and 7-11 provides that the Court may issue an order
20 concerning miscellaneous administrative matters, such as this request to exceed
21 page limitations. Plaintiff's request is designed to streamline the briefing process
22 for both parties, and avoid the needless repetition that would otherwise be required
23 if Plaintiff were to brief the three motions separately.

24 **IV. CONCLUSION**

25 For the foregoing reasons, Plaintiff respectfully requests that the Court grant
26 her Motion for Administrative Relief allowing the parties to brief Plaintiff's post-
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1 trial motions in a single brief not to exceed 40 pages, as reflected by the parties'
2 Stipulation and Proposed Order appended thereto.

3
4 Dated: March 11, 2019

Respectfully submitted,

5 PECK-LAW, *Employment & Civil Rights*

6 /s/ Elizabeth M. Peck

7 By: _____
8 Elizabeth M. Peck
9 Co-Counsel for Plaintiff Teresa Aguirre
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2 **DECLARATION OF ELIZABETH PECK IN SUPPORT OF**
3 **PLAINTIFF'S MOTION FOR ADMINISTRATIVE RELIEF TO COMBINE POST-**
4 **TRIAL BRIEFING INTO A SINGLE OVER-LENGTH BRIEF**

5 I, Elizabeth Peck, do hereby declare:

6 1. I am an attorney duly admitted to practice before all Courts of the State of
7 California and an attorney of record for Plaintiff Teresa Aguirre. I have personal
8 knowledge of the facts set forth below and, if called upon to do so, could and would
9 testify competently thereto.

10 2. On March 11, 2019 at 9:40 am I emailed defense counsel explaining that
11 Plaintiff wanted to combine her post-trial motions in one brief, as is often typical in
12 these matters. I further explained that rather than filing separate briefs of 25
13 pages each where there will be repetitive cross-over, Plaintiff proposed to
14 streamline and combine the briefing for ease of reading and review and to simplify
15 Defendants' opposition such that they could file a single over-length opposition as
16 well, if they chose to do so. The proposed stipulation that I attached to my email
17 allowed for Plaintiff to file her motions in a single document not to exceed 40 pages,
18 and Defendants would also be permitted (but not obliged) to file their oppositions in
19 a single document not to exceed 40 pages.


20 3. Defendants responded by email at 11:10am indicating that the Stipulation
21 was approved for lodging. Said Stipulation is attached hereto as Exhibit A.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct. Executed on March 11, 2019.

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25 /s/ Elizabeth M. Peck
26 By: _____
27 Elizabeth M. Peck
28 Co-Counsel for Plaintiff Teresa Aguirre

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Dated: March 12, 2019


Hon. Haywood S. Gilliam, Jr.
United States District Court Judge